

House Bill 2881

Sponsored by Representative EVANS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Director of Department of Consumer and Business Services to impose \$15 surcharge on limited plan review for fire and life safety and to deposit proceeds of surcharge to State Treasury to credit of State Fire Marshal Fund. Directs State Fire Marshal to use proceeds of surcharge to pay costs of implementing and administering Oregon Safety Assessment Program.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to paying the costs of the Oregon Safety Assessment Program; creating new provisions;
3 amending ORS 455.210; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 455.210 is amended to read:

6 455.210. (1) Fees [*shall*] **must** be prescribed as required by ORS 455.020 for plan review and
7 permits issued by the Department of Consumer and Business Services for the construction, recon-
8 struction, alteration and repair of prefabricated structures and of buildings and other structures and
9 the installation of mechanical heating and ventilating devices and equipment. The fees may not ex-
10 ceed 130 percent of the fee schedule printed in the "Uniform Building Code," 1979 Edition, and in
11 the "Uniform Mechanical Code," 1979 Edition, both published by the International Conference of
12 Building Officials. Fees are not effective until approved by the Oregon Department of Administrative
13 Services.

14 [(2)] **(2)(a)** Notwithstanding subsection (1) of this section[,] **and except as provided in para-**
15 **graph (b) of this subsection,** the maximum fee the Director of the Department of Consumer and
16 Business Services may prescribe for a limited plan review for fire and life safety as required under
17 ORS 479.155 [*shall be*] **is** 40 percent of the prescribed permit fee.

18 **(b) The director shall prescribe a surcharge of \$15 for limited plan review for fire and life**
19 **safety under this subsection and shall deposit the proceeds of the surcharge to the State**
20 **Treasury to the credit of the State Fire Marshal Fund. The State Fire Marshal shall use the**
21 **proceeds of the surcharge to pay the costs of implementing and administering the statewide**
22 **Oregon Safety Assessment Program described in ORS 401.256.**

23 (3)(a) A municipality may adopt by ordinance or regulation such fees as may be necessary and
24 reasonable to provide for the administration and enforcement of any specialty code or codes for
25 which the municipality has assumed responsibility under ORS 455.148 or 455.150. A municipality
26 shall give the director notice of the proposed adoption of a new or increased fee under this sub-
27 section. The municipality shall give the notice to the director at the time the municipality provides
28 the opportunity for public comment under ORS 294.160 regarding the fee or, if the proposed fee is
29 contained in an estimate of municipal budget resources, at the time notice of the last budget meeting
30 is published under ORS 294.426.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (b) Ten or more persons or an association with 10 or more members may appeal the adoption
 2 of a fee described in this subsection to the Director of the Department of Consumer and Business
 3 Services. The persons or association must file the appeal no later than 60 days after the director
 4 receives notice of the proposed adoption of the fee from the municipality under paragraph (a) of this
 5 subsection. However, if the municipality failed to give notice to the director, an appeal may be filed
 6 with the director within one year after adoption of the new or increased fee. Upon receiving a
 7 timely appeal, the director shall, after notice to affected parties and hearing, review the
 8 municipality's fee adoption process and the costs of administering and enforcing the specialty code
 9 or codes referred to in paragraph (a) of this subsection. The director shall approve the fee if the
 10 director *[feels]* **determines that** the fee is necessary and reasonable. If the director does not ap-
 11 prove the fee upon appeal, the fee is not effective. The appeal process provided in this paragraph
 12 does not apply to fees that have been submitted for a vote and approved by a majority of the elec-
 13 tors voting on the question.

14 (c) Fees collected by a municipality under this subsection *[shall]* **must** be used for the adminis-
 15 tration and enforcement of a building inspection program for which the municipality has assumed
 16 responsibility under ORS 455.148 or 455.150.

17 (d) For purposes of paragraph (b) of this subsection, in determining whether a fee is reasonable
 18 the director shall consider whether:

19 (A) The fee is the same amount as or closely approximates the amount of the fee charged by
 20 other municipalities of a similar size and geographic location for the same level of service;

21 (B) The fee is calculated with the same or a similar calculation method as the fee charged by
 22 other municipalities for the same service;

23 (C) The fee is the same type as the fee charged by other municipalities for the same level of
 24 service; and

25 (D) The municipality, in adopting the fee, complied with ORS 294.160, 294.361 and 294.426 and
 26 this section and standards *[adopted by]* the director **adopted** under ORS 455.148 (11) or 455.150 (11).

27 (4) Notwithstanding any other provision of this chapter:

28 (a) For the purpose of partially defraying state administrative costs, there is imposed a sur-
 29 charge in the amount of four percent of the total permit fees or, if the applicant chooses to pay an
 30 hourly rate instead of purchasing a permit, four percent of the total hourly charges collected.

31 (b) For the purpose of partially defraying state inspection costs, there is imposed a surcharge
 32 in the amount of two percent of the total permit fees or, if the applicant chooses to pay an hourly
 33 rate instead of purchasing a permit, two percent of the total hourly charges collected.

34 (c) For the purpose of defraying the cost of administering and enforcing the state building code,
 35 there is imposed a surcharge on permit fees and on hourly charges collected instead of permit fees.
 36 The surcharge may not exceed one percent of the total permit fees or, if the applicant chooses to
 37 pay an hourly rate instead of purchasing a permit, one percent of the total hourly charges collected.

38 (d) For the purpose of defraying the cost of developing and administering the electronic building
 39 codes information system described in ORS 455.095 and 455.097, there is imposed a surcharge in the
 40 amount of four percent on permit fees, or if the applicant chooses to pay an hourly rate instead of
 41 purchasing a permit, four percent of the total hourly charges collected.

42 (5) Municipalities shall collect and remit surcharges imposed under subsection (4) of this section
 43 to the director as provided in ORS 455.220.

44 (6) The director shall adopt administrative rules to allow reduced fees for review of plans that
 45 have been previously reviewed.

1 **SECTION 2.** The amendments to ORS 455.210 by section 1 of this 2021 Act apply to limited
2 plan reviews for fire and life safety that begin on and after the effective date of this 2021
3 Act.

4 **SECTION 3.** This 2021 Act takes effect on the 91st day after the date on which the 2021
5 regular session of the Eighty-first Legislative Assembly adjourns sine die.

6